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FISCAL IMPACT REPORT

SPONSOR: Smith DATE TYPED: 02/04/03 HB _____

SHORT TITLE: Increase 6th Judicial District SB 176

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$472.4			Recurring*	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB143

SOURCES OF INFORMATION

Reponses Received From
 Administrative Office of the Courts (AOC)
 Public Defender Department

SUMMARY

Synopsis of Bill

Senate Bill 176 amends Section 34-6-9 NMSA 1978 to increase the number of judgeships in the Sixth Judicial District Court from two to three. The bill appropriates \$271.4 to the 6th district for salaries and benefits, furniture, supplies and equipment for one additional judgeship and support staff. Other appropriations outlined in SB176, totaling \$201.0, provide for additional resources for the district attorneys and public defenders in the 6th district.

The additional judgeship would be filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico for a term beginning July 1, 2003.

The effective date of the provisions of SB176 is July 1, 2003.

Significant Issues

1. In 1998, the AOC completed an updated and expanded study to provide the Legislature

with a methodology for determining the needs for additional judgeships, the Weighted Caseload Study. The study assigns a weight for each type of case. The weight, expressed in minutes, represents the average amount of judge's time necessary to process a case of that type. Each weight is then multiplied by the number of new cases filed per category. Although some judges question this methodology, it is the accepted formula of the Chief Judges Council in determining judgeship needs.

2. The Chief Judges Council reviewed the Weighted Caseload Study and voted to support the one judgeship requested for the Sixth Judicial District Court as highlighted in the *Judiciary Unified Budget*.
3. The district attorney's and public defender's offices were notified of the judgeship request so that they had an opportunity to assess and report their respective impacts.

FISCAL IMPLICATIONS

The appropriation of \$472.4 contained in this bill is a recurring* expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

*Part of the appropriations to the 6th district court, district attorney and public defender is specifically for furniture and equipment. These are considered capital items (defined by DFA as purchases over \$1,500) and are a one-time expense. Therefore, a portion of this appropriation must be designated as non-recurring.

Here is a table delineating the appropriation amount to each agency noted in the bill:

SIXTH DISTRICT APPROPRIATIONS

AGENCY:	Appropriation to Court	Appropriation to District Attorney	Appropriation to Public Defender	TOTAL
AMOUNT:	\$271,400	\$151,000	\$50,000	\$472,400

RELATIONSHIP

Senate Bill 143, the "judgeship bill," provides for one additional judgeship at the Sixth Judicial District Court. The appropriation amount for the judge, staff, supplies, furniture and equipment is \$293,290. There is also an appropriation in SB 143 for the district attorneys, but not for the public defenders.

OTHER SUBSTANTIVE ISSUES

Besides clarification of recurring vs. non-recurring amounts, references to "additional staff" or "support staff" in the bill should be clarified by indicating the number of FTE specifically being funded if those positions have not yet been delineated.

POSSIBLE QUESTIONS

1. Why is a separate bill being presented for a judgeship in the Sixth Judicial District Court? Typically, all new judges are requested together in the « judgeship bill » pursuant to the *Judiciary Unified Budget*.
2. What is the current caseload per judge at the district court? Is caseload increasing, decreasing or flat in this district? In what areas of law do you see the greatest growth in caseload?

CMH/sb